

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N.C.

REGULAR MEETING:

16 MAY 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, Thomas M. Phillips and Goldie Wells. Absent: None. Also present were Mitchell Johnson, City Manager; Terry Wood, Deputy City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence and the pledge of allegiance to the flag.

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The City Manager recognized Agnes Roseboro, employee with the Human Relations Department, who served as courier for the meeting.

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The Mayor outlined the procedures for conduct of the meeting and invited citizens to address Council as speakers from the floor.

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Leon Nutes, residing at 214 Peach Orchard Drive, spoke to his interest in naming Greensboro streets after heroes of the Revolutionary War. Councilmembers suggested several groups Mr. Nutes could network with to pursue this interest.

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Ben Holder, residing in Winston Salem, NC, thanked staff for their recent response to his request for public information and spoke briefly to his understanding of the information. Following Mr. Holder's Brief comments about the Canada Dry property, the City Manager provided an update on its status. After Mr. Holder reported a large hole in South Tremont Street, he asked Council about traffic accident investigation procedures and presented them with related information.

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Rudy Binder, residing at 4002 B Spring Garden Plaza, expressed concern with respect to his perception of reduced law enforcement patrol of the Hicone Shopping Center following its annexation. He spoke to his communication with Police and administrative staff over the past year, requested Council to address his concerns about public safety by allocating funds to the Police Department, and requested Council to stop all corporate funding.

Councilmember Johnson spoke to Council's prioritization of public safety during her tenure as a Councilmember and most recent actions taken to increase the size of the Police force.

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Gail Durham, resident of Summerfield, NC, spoke to an incident involving food service staff at the Greensboro War Memorial Coliseum during the NCAA Basketball Tournament that purportedly had caused her

personal injury. After she shared her opinion with respect to practices that were hazardous and practices that could improve safety by mitigating congestion of patrons, Ms. Durham provided the Deputy City Attorney with her comments and a written request for copies of accident and safety related information pertaining to the Coliseum.

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Luther Falls, Jr., residing at 303 P Avalon Road, encouraged Council to continue to support small business owners and entrepreneurs, especially minorities. He praised Council for their support of youth based programs that encourage leadership skill development.

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The Mayor introduced a resolution honoring the memory of the late Catherine Elizabeth Ashley. Councilmember Bellamy-Small read the resolution into the record and offered brief remarks.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Wells; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

97-06 RESOLUTION HONORING THE MEMORY OF THE LATE CATHERINE ELIZABETH ASHLEY

WHEREAS, on April 17, 2006, this community lost one of its own with the death of the late Catherine Elizabeth Ashley at the age of 100;

WHEREAS, Catherine, a native of York County, South Carolina moved to Greensboro in the 1940's;

WHEREAS, upon her arrival to Greensboro, she became a member of Saint James Presbyterian Church;

WHEREAS, while at Saint James she was a faithful member of the Estelle Miller Circle, Presbyterian Women and Sunday School;

WHEREAS, the City Council wishes to express its sense of loss and its appreciation and gratitude for the years of service rendered by Catherine Elizabeth Ashley.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Catherine Elizabeth Ashley.
2. That a copy of this resolution shall be delivered to the family of the late Catherine Elizabeth Ashley as a symbol of the gratitude of the people of Greensboro.

(Signed) Yvonne Johnson

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Mayor Holliday introduced and read into the record a resolution congratulating Jim Yardley on being awarded the Pulitzer Prize. He presented the resolution to Mr. Yardley's mother, Rosemary Roberts, who expressed appreciation on behalf of Mr. Yardley and stated he was working on an assignment in Beijing, China.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

98-06 RESOLUTION CONGRATULATING JIM YARDLEY ON BEING AWARDED THE PULITZER PRIZE

WHEREAS, the citizens are proud of Jim Yardley on being awarded the Pulitzer Price for international reporting on April 17, 2006;

WHEREAS, Yardley, was born in New York City and moved to Greensboro as an infant in 1964, where he later attended public schools, graduating from Page High School in 1982 and from UNC-Chapel Hill in 1986;

WHEREAS, as a journalist Jim worked for smaller newspapers before joining the Atlanta Journal-Constitution in 1990 and then the New York Times in 1997;

WHEREAS, Jim became a foreign correspondent in China in 2003 and resides in Beijing with his family;

WHEREAS, the City of Greensboro is duly proud of Jim Yardley and to this end wishes to express its congratulations for this most hard earned accomplishment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That on behalf of the citizens of Greensboro, the City Council does hereby congratulate Jim Yardley for being awarded the Pulitzer Prize in 2006 and for the great pride and honor he has recently brought to our City by his achievement.

(Signed) Yvonne Johnson

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Mayor Holliday introduced a resolution directing the filing with the City Clerk of the budget estimate for the fiscal year 2006-2007.

The City Manager stated this budget proposal focused on challenges stemming from less than adequate growth in revenues coupled with new services and expenses. He spoke to numerous additional services and needs that would require Council's consideration for funding that included:

- Consolidation of City and County 9-1-1 Center and staff
- Fuel and energy costs for FY05/06 and FY 06/07
- Fixed benefits, health insurance, etc.
- Other needs such as GIS base map, Center City Park, etc.
- Plan for necessary increases in staffing in Police, Fire and other departments
- Address explosive growth of the Greensboro Transit Authority's (GTA) Specialized Community Area Transportation (SCAT) budget
- Review options for addressing growth in GTA rider ship and route options for unserved areas.

After the Manager outlined the guiding principles for budget development and numerous budget accomplishments in the areas of Planning, Economic Development, Public Safety, Natural Resources, and Fiscal Management, he proposed recommendations that included:

- Increase funding for debt service by 1.10 cents
- Increase Solid Waste funding by 1.15 cents
- Increase funding for Fire department personnel and operating expenses, ongoing costs of Center City Park, improvements to Barber Park and several City parking decks by 1 cent
- Fund higher fuel and energy costs, Public Safety employees' market adjustments and Citywide fixed benefit increases at 1.50 cents

City Manager Johnson advised that the sum of the tax increases he recommended totaled 4.75 cents and did not include any adjustments to the transit tax, which would require a minimum of .50 cents assuming a reduction in SCAT growth and no additional service enhancements. He explained that with this additional increase the proposed

increase would result in a total of 5.25 cents for a total tax rate of 62 cents per \$100 valuation. He noted that he had not been able to address the needed increase in Police staffing in this budget, but spoke to staff realignment through position conversions to a detective and crime scene investigator positions. The Manager stated that nearly all departmental requests for additional resources had been denied. The City Manager expressed appreciation to staff for their work on the proposed budget, and to Larry Davis, Director of the Budget and Evaluation Department, who presented copies of the proposed budget to Council members and members of the press.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

99-06 RESOLUTION DIRECTING THE FILING WITH THE CITY CLERK OF THE BUDGET ESTIMATE FOR THE FISCAL YEAR 2006-07

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO

Section 1. The budget estimate of the City of Greensboro for the fiscal year beginning July 1, 2006, which was this day submitted to the City Council, is hereby ordered filed with the City Clerk where it shall remain for public inspection for at least ten days from this date.

Section 2. A copy of said budget estimate shall be made available to all news media in the County.

Section 3. This resolution shall be published in at least one newspaper published in the city and shall serve as notice that the budget estimate has been presented to the City Council, that a copy of same is on file for public inspection in the office of the City Clerk, and as notice of the time and place of the public hearing as set out below.

Section 4. A public hearing shall be held in the City Council Chamber at 5:30 p.m. on June 20, 2006, at which time the City Council will hear from any persons who may wish to be heard on the budget.

(Signed) Sandy Carmany

(A copy of the City Manager's PowerPoint presentation is filed with the above resolution and is hereby referred to and made a part of the minutes.)

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Mayor Holliday stated that citizens were present who had indicated they wished to speak from the floor about the proposed 2006-2007 annual budget.

Julia McLain, residing at 1502 McPherson Street, shared her belief that alternatives other than the proposed tax increase were possible, noted that Guilford County also proposed a tax increase, and expressed her opposition to increasing taxes.

Jack Zimmerman, residing at 2304 Wilcox Drive, shared his opinion that tax increases should apply to services citizens require and that additional police officers were especially needed to improve response times. He suggested increasing vehicle license plate tax to cover road maintenance instead of placing the burden entirely on homeowners, particularly those with lower or fixed incomes.

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Mayor Holliday stated this was the time for a presentation of the GTA Task Force Report.

Mary Lou Zimmerman stated she was a member of the GTA Board and the Budget Review Task Force and stated that Council had established the Task Force in March to review GTA's financial budget and service needs. She advised that the Task Force was composed of Council representatives to represent budget needs and GTA Board members to represent policy and riders' needs, and noted that she and Councilmember Gatten were co-chairs of the

Task Force. After speaking to GTA's success as a transit system, Ms. Zimmerman reported on the impact of rising gas prices on operating costs, increased rider ship on crowding busses, and the need to make SCAT services available to all who need them to fulfill ADA transit service requirements for the disabled.

Sandy Carmany, City Councilmember representing District 5, spoke to the many uses of GTA and SCAT services by citizens to access work, school, medical appointments, grocery shopping, etc. She recommended that because more citizens were choosing to ride busses to cope with increased gas prices, implementation of 30 minute interval scheduling was essential. Councilmember Carmany advised that \$300,000 had been spent during the current fiscal year to accommodate passengers who exceeded bus route capacities. Additionally, Councilmember Carmany stated that poor air quality from vehicle emissions was harmful to health and detrimental to economic development because of the area's Federal Environmental Protection Agency's non attainment designation of particulate matter. She noted that the region based Early Action Compact was working to address this issue. Councilmember Carmany stated that the University Connector Higher Education Area Transit service would begin on August 1, 2006, funded with federal grants and matching funds from local universities.

Dottie Neely, GTA board member residing at 709 H Englewood Street, spoke to her experiences as a fixed route bus rider and SCAT service user. She stated she was an advocate for the disabled because she was partially blind. Ms. Neely spoke to the progress made by the GTA transit system to address the needs of disabled riders. She recommended the addition of additional reserves and new regulations to address cost constraints, while noting a \$600,000 deficit for the current year due to increased fuel costs. Ms. Neely shared her opinion that fixed route and SCAT riders relied on these services to meet basic needs and took few discretionary trips, spoke to support received from Congressman Howard Coble, and invited the public to attend GTA meetings and participate in developing transportation solutions for the community.

Florence Gatten, At Large Greensboro City Council representative and Vice Chair of the GTA Task Force, presented the financial recommendations of the Task Force to address budget constraints and riders' needs. She provided detailed explanation of the rational for the following recommendations:

Rate Related Recommendations

- * Increase Fixed Route Base Fare by \$.10 per year for the next three years from the current rate of \$1.00 per trip
- * Increase Fixed Route Pass Costs proportionally per year for the next three years as Fixed Route fares while maintaining discounts for multi-ride passes, maintain Fixed Route unlimited ride (monthly and super) passes, and discontinue 180 day semester pass.
- * Continue policy of free Fixed Route transfers
- * Increase SCAT Base (Trip) Fare: Correspond to Fixed Route Base Fare increase (max. ADA fare 2x Fixed Route base fare)
- * Discontinue Unlimited Monthly Ride pass for SCAT
- * Charge all SCAT riders on a per trip basis
- * Offer discounted multi-ride SCAT passes (10 and 40 trips)
- * Allow certified SCAT riders to use Fixed Route service for free
- * Modify SCAT Standing Order Policy
- * Modify SCAT Cancellation and No-Show Policies

Other Funding Recommendations

- * 30 Minute All Day Service Need
- * South-Town Connector Service Need
- * Proposed Service Need

After Councilmember Gatten advised that a budget amendment would be requested to address the shortfall of funds in the current fiscal year, she presented the Task Force funding recommendation totaling \$3,516,875 and recommendations for an implementation timeline. She advised that the Task Force proposal included a 1.5 cent to 3.5 cent maximum tax increase to provide the revenue required to meet the current funding shortfall and enact the proposals of the Task Force and stated that vehicle registration tax would be reviewed to see if that might be included as a funding option.

Councilmember Gatten thanked staff for providing their assistance to the Task Force and shared her view that it was one of Council's basic responsibilities to provide the transportation services to the public and fund those services at a level that meets the public's needs. On behalf of the GTA Task force, she submitted their recommendations to Council.

Councilmember Bellamy-Small suggested that an evaluation of bus stop conditions be added to the recommendations. No action was taken.

Councilmember Carmany stated that no Council action was needed at present and advised that action would be taken from September through November.

The Mayor stated that speakers wished to address Council about GTA services.

Larsina Johnson, residing at 3900 Cotswold Terrace, requested information with respect to the process for selecting members of the task force, which the Mayor subsequently explained. She shared personal thoughts with respect to the ideal composition of Task Force members, voiced opposition to the proposed GTA fare increases, and expressed concern regarding the potential negative impact of fare increases on individuals with limited or fixed incomes. Ms. Johnson offered reasons she believed caused "no shows" including the length of time required to commute with SCAT and requested Council to maintain the unlimited monthly pass at the current rate to address the needs of most users, whom she believed had fixed incomes.

Gertrude Davis, residing at 416 Boyd Street, spoke to her experience as a bus rider. She expressed concern with respect to child safety at the Depot, suggested security officers should enforce the use of cross-walks, stated she did not support a fare increase, and requested expanded bus routes.

Anjail Ahmad, residing at 2 Ivey Glen Court, spoke to her experience as a SCAT rider. She reiterated concerns about potential fare increases and service modifications expressed by previous speakers and noted her opposition to increasing SCAT fares to levels that she believed some riders, especially those on fixed incomes, would not be able to afford. Ms. Ahmad recommended an alternative plan to increase fares.

Jim Westmoreland, Transportation Department Director, stated that SCAT riders with monthly passes took an average of 97 trips per month.

Art Saunders, residing at 3005 Graystone Point, expressed appreciation to the Task Force for their work and to Councilmember Gatten for her ongoing leadership. He stated he wished to have an opportunity to provide input in the Task Force's work and to represent himself and other SCAT riders.

Aaron Shabazz, residing at 235 North Greene Street, expressed concern with respect to the recommendation of the Task Force to eliminate the unlimited monthly pass and shared his opinion with regard to the independence transportation opportunities offered to disabled individuals. He strongly encouraged Council to maintain an affordable SCAT system.

Lonnie Cunningham, residing at 1007 Ashe Street, stated he hoped Council would consider alternative proposals that would better meet the needs of riders. He proposed establishing a citizen's task force and offered to develop a plan that would resolve differences of opinion in service and fare price adjustments, help fixed income riders, and would be, in his opinion, fair to everyone.

(A copy of the Task Force report is filed in Exhibit Drawer P, Exhibit Number 23, which is hereby referred and made a part of these minutes.)

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-15 Residential Single Family to Conditional District—Limited Business for property located at the northwest quadrant of New Garden Road and Garden Lake Drive. He stated this matter was being heard on appeal filed by Mark Reynolds and Frank Mellon. The Mayor reminded Council they had stated at the May 4th

regular meeting that they intended to continue this matter to the June 20, 2006 Council meeting.

Councilmember Gatten moved that this matter be continued to the June 20, 2006 Council meeting and be re-advertised. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

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The Mayor declared a recess at 7:40 p.m.

The meeting reconvened at 7:58 p.m. with all members of Council present.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to Conditional District- RS-9 Residential Single Family for property located north of the terminus of Medhurst Drive and west of the terminus of Churchill Drive. This matter being heard on appeal filed by Michael J. Allen after receiving a vote of 8-0 by the Zoning Commission to recommend approval of the request.

Robert "Bob" Morgan, Assistant City Manager, read the conditions attached to the proposed ordinance into the record and presented a map and slides to describe the property and surrounding area.

Mayor Holliday asked if anyone present wished to speak in favor of the proposed ordinance.

Grant Robertson, residing at 2128 New Garden Road, requested Council to approve the rezoning request. He requested Council to add the following conditions to the ordinance:

- 1) Subject property shall be subject to RS-12 side and rear setback requirements, as now existing and set forth in Article IV, Section 30-4-6.1 and Table 30-4-6-1 of the Greensboro City Ordinance, for those lots on the subject property adjacent to the British Woods subdivision, including those tracts of land located at the following street addresses: 2100 Medhurst Drive, 2101 Medhurst Drive, 2200 Churchill Drive and 2201 Churchill Drive.
- 2) Subject property shall have a maximum of 13 lots.
- 3) Subject property shall not have a street exiting north of the property.

Councilmember Phillips moved that the above conditions be added to the proposed ordinance. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

Mr. Robertson discussed results of a neighborhood meeting, letters sent to neighbors, and requests for communication. He presented a petition purportedly signed by area residents in support of 5 units per acre for the proposed development. Mr. Robertson presented a map to describe other rezoned property in the area; outlined reasons he believed the Comprehensive Plan required revision in this case; spoke to the density of the proposed development; and presented an illustrative view of the planned homes.

After Mr. Robertson announced that some of the citizens who had signed the petition presented to Council did not wish to be made a part of the official record, the Mayor returned the petition to Mr. Robertson.

The Mayor asked if anyone present wished to speak against the proposed rezoning.

Mike Allen, residing at 2101 Medhurst Drive, reported that he had just been informed by that some neighbors who had signed the petition he submitted did not wish to go on record in support of the proposed ordinance. He stated that because of the three new conditions added to the proposal earlier in the meeting, he did not oppose the proposed rezoning and spoke to the importance of preserving the qualities of the neighborhood.

Robert Bell, residing at 2023 Medhurst Drive, spoke to the history of the development of British Woods and expressed disagreement with rezoning to RS-9 zoning classification versus RS-12 zoning classification. He expressed concern about and opposition to any future linkage of the proposed development to New Garden Road

and spoke to geographic attributes of the subject property and surrounding area that he believed could cause adverse impacts from storm water.

Speaking in rebuttal in support of the proposal, Mr. Robertson described the grade of the property and noted the location of a natural drainage ditch.

Councilmember Barber confirmed with Mr. Robertson that no easement or alleyway was contemplated for the future.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Mr. Morgan stated staff found the proposal compatible with the *Connections 2025 Comprehensive Plan* and recommended approval of the proposed ordinance.

Councilmember Phillips moved adoption of the ordinance with the following motion: The Greensboro City Council believes that its action to approve the zoning amendment, located at the terminus of Medhurst Drive and Churchill Drive from RS-12 to CD-RS-9, to be consistent with the adopted *Connections 2025 Comprehensive Plan* and considers the action taken to be reasonable and in the public interest based on the following reasons: 1) It is generally consistent with the Low Residential land use category indicated for this site on the *Connections 2025 Generalized Future Land Use Map*, 2) It promotes mixed-income neighborhoods, 3) It promotes the diversification of new housing stock to meet the needs of all citizens for suitable housing.

The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson-Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

06-107 AMENDING OFFICIAL ZONING MAP

NORTH OF THE TERMINUS OF MEDHURST DRIVE AND WEST OF THE TERMINUS OF CHURCHILL DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Conditional District – RS-9 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the terminus of the western right-of-way line of Medhurst Drive; thence N88°44'06"W 150.26 feet to a point; thence N01°37'17"E 33.52 feet to a point; thence N01°22'54"E 149.94 feet to a point; thence N01°06'09"E 149.26 feet to a point; thence N01°06'41"E 149.70 feet to a point; thence S83°50'23"E 144.79 feet to a point; thence S83°45'23"E 245.58 feet to a point in the terminus of the northern right-of-way line of Churchill Drive; thence S05°42'24"W 152.31 feet to a point; thence S27°28'00"E 59.72 feet to a point; thence S05°37'31"W 149.96 feet to a point; thence S75°55'37"W 38.58 feet to a point; thence S40°28'13"W 51.73 feet to a point; thence N88°39'32"W 124.96 feet to a point; thence S48°48'23"W 66.47 feet to the point and place of BEGINNING.

Section 2. That the rezoning of RS-12 Residential Single Family to Conditional District – RS-9 Residential Single Family is hereby authorized subject to the following use limitations and conditions:

- 1) Subject property shall be subject to RS-12 side and rear setback requirements, as now existing and set forth in Article IV, Section 30-4-6.1 and Table 30-4-6-1 of the Greensboro City Ordinance, for those lots on the subject property adjacent to the British Woods subdivision, including those tracts of land located at the following street addresses: 2100 Medhurst Drive, 2101 Medhurst Drive, 2200 Churchill Drive and 2201 Churchill Drive.
- 2) Subject property shall have a maximum of 13 lots.

3) Subject property shall not have a street exiting north of the property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Yvonne Johnson

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Mayor Holliday stated this was the time and place set for a public hearing to consider an ordinance amending Chapter 30, Table 30-4-5-1, Permitted Use Schedule, to allow "Correctional Institutions" in the Central Business zoning district with approval of a Special Use Permit.

The Mayor asked if anyone present wished to speak to this matter.

Greg Niles, Planning Department Director for Guilford County, briefly outlined the proposal and stated the Planning Department and Zoning Commission recommended approval of the proposed ordinance.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

Councilmember Johnson moved adoption of the proposed ordinance. The motion was seconded by Councilmember Carmany ; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

06-106 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by placing a "S" entry in the CB column for the use "Correctional Institutions" under the Educational and Institutional Uses subsection.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall be effective on the date of adoption.

(Signed) Thomas M. Phillips

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Mayor Holliday stated this was the time and place set for a public hearing to consider a resolution closing excess right-of-way of Old Treybrooke Drive.

The Mayor asked if anyone present wished to speak to this matter. No one present indicated they wished to be heard.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten,

Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

102-06 RESOLUTION CLOSING EXCESS RIGHT OF WAY OF OLD TREYBROOKE DRIVE

WHEREAS, the owner of all of the property abutting both sides of the excess right of way of Old Treybrooke Drive has requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, May 16, 2006, at 5:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned portion of street has requested in writing that said portion of street be closed.
2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.
3. That the following portion of street is hereby permanently closed and abandoned as a public street:

EXCESS RIGHT OF WAY OF OLD TREYBROOKE DRIVE, A DISTANCE OF APPROXIMATELY 350 FEET

4. That the City of Greensboro hereby retains a 20 foot easement over the 8 inch water and sewer lines existing in the above mentioned street and a 15 foot easement over any additional utility lines located in the above mentioned street until no longer required by the City and needed for public service.

(Signed) Sandy Carmany

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Mayor Holliday stated this was the time and place set for a public hearing to consider a resolution closing Treva Drive from Young Street southeastward to Cox Boulevard, a distance of approximately 805 feet and Cox Boulevard from Treva Drive eastward to its terminus, a distance of approximately 380 feet.

The Mayor asked if anyone wished to speak to this matter. No one present indicated they wished to be heard.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

103-06 RESOLUTION CLOSING TREVA DRIVE FROM YOUNG STREET SOUTHEASTWARD TO COX BOULEVARD, A DISTANCE OF APPROXIMATELY 805 FEET AND COX BOULEVARD FROM TREVA DRIVE EASTWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 380 FEET

WHEREAS, the owners of a portion of the property abutting both sides of Treva Drive and Cox Boulevard have requested in writing that said portion of streets be closed and abandoned as public streets;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the

Council Chamber in the Municipal Office Building on Tuesday, May 16, 2006, at 5:30 p.m., on the closing of said portions of streets;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of portions of the property abutting both sides of the hereinafter mentioned portions of streets have requested in writing that said portions of streets be closed.

2. That the City Council hereby finds as a fact that the closing of the portions of streets is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the streets are located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street will be permanently closed and abandoned as a public street when all the properties whose sole access is Treva Drive have been assembled into a single ownership:

TREVA DRIVE FROM YOUNG STEET SOUTHEASTWARD TO COX BOULEVARD, A DISTANCE OF APPROXIMATELY 805 FEET

COX BOULEVARD FROM TREVA DRIVE EASTWARD TO ITS TERMINUS, A DISTANCE OF APPROXIMATELY 380 FEET

4. That the City of Greensboro hereby reserves a 20 foot easement over water and sewer lines and other utility easements over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City and needed for public service.

(Signed) Florence Gatten

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Mayor Holliday stated this was the time and place set for a public hearing to consider a resolution authorizing an Urban Development Grant for the Park View Development LLC d/b/a Center Pointe for Revitalization of the 201 North Elm Street Tower.

Ben Brown, Assistant City Manager for Economic Development, advised that the proposal had scored very well in terms of fulfilling the criteria for urban development grants under new urban development guidelines. He spoke to additional detailed information about the evaluation criteria and ratings, estimated return on investment, projection of 58 new jobs created, revenue amounting to over \$1million in a 2 year construction phase, and a projected increase in city sales use tax revenue of \$180,000 for the first five years. Assistant City Manager Brown stated the mixed use project included 156 residential units which would reuse a vacant property, eliminate blight, and enhance the downtown park.

Assistant Manager Brown reviewed an economic impact analysis based on the \$35,000,000 (+) capital investment. He stated staff recommended a \$1,100,000 incentive grant to be paid out over five years at \$220,000 per year.

Mayor Holliday asked if anyone wished to speak to this matter.

Henry Isaacson, attorney with offices located at 101 West Friendly Avenue and representing Parkview Development, LLC, dba Center Pointe, spoke to the firm's interest in rehabilitating the property known as the old Wachovia Building. He provided additional information with respect to the plans for the project, including financing, tax value, projected tax revenue, etc. Mr. Isaacson requested Council to support the grant proposal.

Roy Carroll, owner of the subject property, spoke to his interest in rehabilitating the property, partnerships with other entities to secure parking for the buildings' occupants, and reconstruction plans for the building. He noted that the property had been vacant for the past 16 years and that Guilford County would consider funding the remaining \$1,000,000 needed for the project. Mr. Carroll spoke to the benefits to the City that he anticipated the project would provide.

Leon Nutes, residing at 214 Peach Orchard Drive, shared his personal opinions regarding his disagreement with the proposed economic incentive grant and expressed concern with respect to the precedent that could be set for granting future requests.

Councilmember Bellamy-Small moved that the public hearing be closed. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

Councilmember Phillips noted that he did not typically support economic incentives and stated that in his opinion, granting the request would not set a dangerous precedent and that the vacant building problem needed resolution, which this incentive grant could provide. He stated the project was unique, would not compete against Bellemeade Village, and would provide a boost to downtown revitalization efforts. Several members of Council expressed their agreement with Councilmember Phillips' statements.

The Mayor spoke to the financial risk undertaken by Mr. Carroll in the course of this project and expressed his appreciation for this effort to improve the downtown landscape.

Following brief remarks, Councilmember Johnson encouraged Council to support the request.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

104-06 RESOLUTION AUTHORIZING AN URBAN DEVELOPMENT INVESTMENT GRANT NOT TO EXCEED THE AMOUNT OF \$1,100,000, FOR THE PARK VIEW DEVELOPMENT LLD D/B/A CENTER POINTE FOR THE REVITALIZATION OF THE 201 NORTH ELM STREET TOWER

WHEREAS, the Park View Development LLC d/b/a Center Pointe is planning to commit in excess of \$35 million of private capital to the renovation of the 201 North Elm Street tower in downtown Greensboro's Central Business District;

WHEREAS, this investment is contingent upon receiving public participation from the City of Greensboro in the amount of a \$1,100,000 Urban Development Investment Grant;

WHEREAS, the purpose for this grant will be to enhance off-street parking, streetscape improvements, site preparation, as well as building exterior and infrastructure upgrades which Council finds will have a significant effect on the revitalization of the central business district;

WHEREAS, the \$1,100,000 is to be paid to The Park View Development LLC d/b/a Center Pointe over a five (5) year period provided that the developer has invested \$35,000,000 in the project by year-end 2008;

WHEREAS, this assistance will enable a long-term blighted property to be renovated and returned to service after a 15+ year vacancy, thereby furthering the revitalization of Greensboro and its central business district;

WHEREAS, this Urban Development Grant is made pursuant to N.C.G.S. Section 160A-458.3 and other urban and economic development authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That an Urban Development Investment Grant not to exceed \$1,100,000 to be paid to The Park View Development LLC d/b/a Center Pointe over a five (5) year period for the revitalization of the 201 North Elm Street Tower, provided that the developer invest \$35,000,000 in the project by year-end 2008, is hereby authorized.

(Signed) Yvonne Johnson

(A copy of Assistant City Manager Brown's PowerPoint presentation is filed with the above resolution and is hereby referred to and made a part of the minutes.)

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Moving to the Consent Agenda, Councilmember Gatten moved adoption of the resolutions, ordinances, and motions listed on the Consent Agenda. The motion was seconded by Councilmember Wells; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

105-06 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1st meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Florence Gatten

(A copy of the attached list of loans and grants is filed with the above resolution and is hereby referred to and made a part of the minutes.)

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106-06 RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO CARROLLAND CORPORATION

WHEREAS, the City of Greensboro owns residual property identified as Lot 15, Tollesbury Development Corporation at Tax Map Number 109-7-3, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Carrolland Corporation has offered to purchase a portion of said property for recombination with property currently owned by Carrolland Corporation for the amount of \$1,130.00, which amount, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$1,130.00 is hereby approved and the sale of land to Carrolland Corporation is hereby authorized; and the

Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Florence Gatten

.....

06-95 ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS FUND BUDGET TO
ESTABLISH FUNDING FOR YEAR FOUR OF THE PIEDMONT TRIAD WATER QUALITY
PARTNERSHIP

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-7058-01.5221	Advertising	<u>\$47,500</u>
TOTAL		\$47,500

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-7058-01.7170	Local Government Grant	\$ 40,000
220-7058-01.9505	Transfer from Stormwater Mgt.	<u>\$ 7,500</u>
TOTAL		\$ 47,500

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence Gatten

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06-96 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE FISCAL YEAR 2006
FTA SECTION 5303 PLANNING ASSISTANCE GRANT

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the GTA Planning and Grant Fund budget of the City of Greensboro is hereby amended as follows:

That the Grant Project Budget for the FY 2006 FTA Section 5303 Planning Assistance Grant be established for the life of the project by increasing the appropriation to the GTA Planning and Grant Fund as follows.

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4567-01.4000	Salaries & Wages	\$30,000
220-4567-01.4500	Fringe Benefit	\$ 8,670

220-4567-01.5000	Maintenance & Operations	\$ 6,530
220-4567-01.5413	Consultant Services	\$25,000
220-4567-01.5928	In-Kind Services	<u>\$ 7,800</u>
Total		\$78,000

And, that this increase be financed by increasing the following revenues:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4567-01.7000	Federal Grant	\$62,400
220-4567-01.7110	State	\$ 7,800
220-4567-01.8695	In-Kind Services	<u>\$ 7,800</u>
Total		\$78,000

And, that this ordinance should become effective upon adoption.

(Signed) Florence Gatten

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107-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2004-29 WITH TRIANGLE GRADING & PAVING, INC. FOR THE MARKET STREET, EAST – STREETScape PHASE II PROJECT

WHEREAS, after due notice, bids have been received for the Market Street, East – streetscape Phase II project;

WHEREAS, Triangle Grading & Paving, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,694,824.11 as general contractor for Contract No. 2004-29, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Triangle Grading & Paving, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$2,694,824.11 from Account No. 441-6005-02.6014 Acct. No. 01092.

(Signed) Florence Gatten

(A tabulation of bids for Contract No. 2004-029 for the Market Street, East-Streetscape Phase II Project is filed with the above resolution and is hereby referred to and made a part of the minutes.

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108-06 RESOLUTION CALLING A PUBLIC HEARING FOR JUNE 6, 2006 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 5410 CEDAR FIELD DRIVE – 0.232 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory

may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of May, 2006, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5410 CEDAR FIELD DRIVE – 0.232 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the southeast corner of Lot 122 of Phase 1 of Highland Grove, as recorded in Plat Book 119, Page 11 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the south line of said Lot 122 S 89° 24' 45" W 134.24 feet to the southwest corner of said Lot 122, a point in the east right-of-way line of Cedar Field Drive; thence with said right-of-way line with a curve to the right with a radius of 298.68 feet and a chord bearing and distance of N 07° 24' 49" E 83.15 feet to a point; thence with said right-of-way line and the south right-of-way line of Highland Grove Drive with a curve to the right with a radius of 20.00 feet and a chord bearing and distance of N 65° 05' 25" E 30.50 feet to a point; thence with said south right-of-way line with a curve to the right with a radius of 5,444.09 feet and a chord bearing and distance of S 64° 40' 27" E 106.53 feet to the northeast corner of said lot, a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 00° 31' 35" W 48.36 feet with the east line of said lot to the point and place of BEGINNING, and containing approximately 0.232 acres, and being all of said Lot 122.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, June 6, 2006 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than May 27, 2006.

(Signed) Florence Gatten

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109-06 RESOLUTION CALLING A PUBLIC HEARING FOR JUNE 6, 2006 ON THE ANNEXATION OF
TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 831-833 GUILFORD COLLEGE ROAD
– 1.969 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of May, 2006, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 831-833
GUILFORD COLLEGE ROAD – 1.969 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning as a point in the southeastern right-of-way line of Guilford College Road (NCSR # 1546) at its intersection with the northern right-of-way line of Sapp Road (NCSR # 1560), said point being in the existing Greensboro corporate limits (as of April 30, 2006); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the southeastern margin of Guilford College Road along a curve to the right having a radius of 1,101.89 feet and a chord bearing and distance of N 32° 25' 42" E 120.61 feet to a right-of-way monument; thence with the old right-of-way line of Guilford College Road the following bearings and distances: N 36° 32' 24" E 33.95 feet to a point, and N 37° 25' 21" E 108.70 feet to a point; thence leaving the old right-of-way line of Guilford College Road S 75° 13' 45" E 1.08 feet to a point; thence N 37° 25' 21" E 22.60 feet to a point in the southwest line of an old access easement as recorded in Plat Book 7, Page 96 in the Guilford County Register of Deeds but was closed in Deed Book 4415, Page 897 in the Guilford County Register of Deeds; thence S 56° 06' 03" E 149.36 feet along said southwest line to a point, thence N 33° 53' 57" E 10.00 feet to the centerline of said easement; THENCE DEPARTING FROM THE EXISTING CITY LIMITS following the centerline of the aforementioned abandoned easement S 56° 06' 03" E 122.89 feet to a point, said point being the northwest corner of Norman L. Sartin and Bessie H. Sartin (formerly B.L. Heath); thence along the western line of Sartin S 18° 58' 32" W 210.36 feet to northern right-of-way line of Sapp Road), said point being the southwest corner of Sartin; thence along said northern right-of-way line the following bearings and distances: N 83° 32' 02" W 80.96 feet to a right-of-way monument, N 06° 27' 58" E 18.75 feet to a right-of-way monument, N 83° 32' 02" W 212.55 feet to a right-of-way monument, and N 28° 25' 19" W 76.42 feet to the Point and Place of Beginning, and containing 1.969 acres more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The

due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, June 6, 2006 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than May 27, 2006.

(Signed) Florence Gatten

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110-06 RESOLUTION CALLING A PUBLIC HEARING FOR JUNE 6, 2006 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED AT 4535 WEST WENDOVER AVENUE – 6.118 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 16th day of May, 2006, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4535 WEST WENDOVER AVENUE – 6.118 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the southeast right-of-way line of W. Wendover Avenue, said point being in the west property line of Frank D. Hayes, Sr. (Trustee) and Ether M. Hayes (Trustee) of the Hayes Family Living Trust, as recorded at Deed Book 5606, Page 791 in the Office of the Register of Deeds of Guilford County; thence with the west line of Hayes S 03° 42' 54" W 843.33 feet to a concrete post in the north line of Gregory K. Herring, as recorded at Deed Book 4574, Page 1701 in the Office of the Register of Deeds; thence N 89° 33' 40" W 361.22 feet along said north line and the north line of David Lee Phillips, as recorded at Deed Book 4197, Page 309 in the Office of the Register of Deeds to a point in the east line of Lot 2 in Block G of Section 4 of Idle Acres, as recorded at Plat Book 42, Page 96 in the Office of the Register of Deeds; thence with said east line and the east lines of Lot 1 of said Block G, of Lots 4 and 3 of Block F of said Section 4, and of Lot 1 of Block F of Section 3 of said subdivision N 04° 33' 52" E 660.46 feet to a point in the southeast right-of-way line of W. Wendover Avenue; thence with said right-of-way line N 63° 31' 12" W 404.80 feet to the point and place of BEGINNING, and containing approximately 6.118 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, June 6, 2006 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than May 27, 2006.

(Signed) Florence Gatten

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111-06 ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS FUND BUDGET TO ESTABLISH FUNDING FOR YEAR FOUR OF THE PIEDMONT TRIAD WATER QUALITY PARTNERSHIP

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-7058-01.5221	Advertising	<u>\$47,500</u>
TOTAL		\$47,500

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-7058-01.7170	Local Government Grant	\$ 40,000
220-7058-01.9505	Transfer from Stormwater Mgt.	<u>\$ 7,500</u>
TOTAL		\$ 47,500

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence Gatten

.....

06-97 ORDINANCE AMENDING THE COLISEUM IMPROVEMENTS PROJECT FUND BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Coliseum Improvements Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations below be increased:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
524-7510.01.5251	Capital Lease Payments	\$187,764

And, that this net increase is financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
524-7510-01.8620	Private Contributions – Centerplate	\$187,764

(Signed) Florence Gatten

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112-06 RESOLUTION GRANTING AN ENCROACHMENT ON STREET RIGHTS-OF-WAYS TO KOURY CORPORATION WITHIN THE RIGHT OF WAY AT 305 PISGAH CHURCH ROAD FOR THE PURPOSE OF ERECTING AND MAINTAINING A SIGN IDENTIFYING THE ENTRANCE TO THE VILLAGE AT NORTH ELM.

WHEREAS, Koury Corporation has requested an encroachment from the City for the erection of and maintenance of a sign identifying the entrance to the shopping center at 305 Pisgah Church Road;

WHEREAS, drawings have been submitted to the City Utilities Coordinator for approval of the construction of the sign which would require foundation and construction within the right of way on Pisgah Church Road as shown on the attached drawing;

WHEREAS, following erection of said sign, Koury Corporation shall provide the necessary repair, if any, of the streets in compliance with City standards; and

WHEREAS, in the opinion of the City Council, such encroachment for the erection of the sign will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Koury Corporation is hereby authorized to encroach in the above described street rights-of-way for the erection of the sign at 305 Pisgah Church Road as shown on the attached drawing, conditioned upon maintaining the sign, and maintaining the streets in accordance with City standards.

(Signed) Florence Gatten

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113-06 RESOLUTION GRANTING AN ENCROACHMENT ON STREET RIGHTS-OF-WAYS TO KOURY

CORPORATION WITHIN THE MEDIAN ALONG FRASIER ROAD AT THE INTERSECTION OF SOUTH HOLDEN ROAD FOR THE PURPOSE OF ERECTING AND MAINTAINING A SIGN IDENTIFYING THE ENTRANCE TO THE CORPORATE PARK.

WHEREAS, Koury Corporation has requested an encroachment from the City for the erection of and maintenance of a sign identifying the entrance to the corporate park along Frasier Road at the intersection of South Holden Road;

WHEREAS, drawings have been submitted to the City Utilities Coordinator for approval of the construction of the sign which would require foundation and construction on Frasier Road as shown on the attached drawing;

WHEREAS, following erection of said sign, Koury Corporation shall provide the necessary repair, if any, of the streets in compliance with City standards; and

WHEREAS, in the opinion of the City Council, such encroachment for the erection of the sign will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Koury Corporation is hereby authorized to encroach in the above described street rights-of-way for the erection of the sign in Frasier Road as shown on the attached drawing, conditioned upon maintaining the sign, and maintaining the streets in accordance with City standards.

(Signed) Florence Gatten

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06-98 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-50 of the Greensboro Code of Ordinances is hereby amended to read as follows:

DIVISION 3. BOARD OF TRUSTEES OF THE GREENSBORO PUBLIC LIBRARY

Sec. 2-50 ~~Continuation-~~ Composition

The Board of Trustees of the Greensboro Public Library, as originally created is hereby ~~continued~~ **increased from ten (10) members to eleven (11) members effective on and after May 16, 2006. The number of members is hereby increased from nine (9) members to ten (10) members effective on and after January 18, 2000.** The tenth position will be reserved for the President of the Friends of the Library. The term of office on the Greensboro Public Library Board of Trustees for the President of the Friends of the Library shall be limited to that person's term as president. **The eleventh position shall be appointed by the Guilford County Board of Commissioners and shall serve a three year term and be subject to the City Ordinance procedures regarding reappointment.**

Section 2. That all laws and clauses of the laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Florence Gatten

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A motion to approve report of budget adjustments for April 1-30, 2006 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer P, Exhibit Number 1 and is hereby referred to and made a part of the minutes.)

.....

A motion to approve minutes of regular meeting of May 2, 2006 was unanimously adopted.

.....

Mayor Holliday introduced an ordinance establishing in the amount of \$1,200,000 grant project budget amendment for the FTA FY 2001 Section 5307 Capital Assistance Grant Program.

Following brief comments by Jim Westmoreland, Transportation Department Director, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, and Wells. Noes: Phillips.

06-99 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET AMENDMENT FOR THE FTA FY 2001 SECTION 5307 CAPITAL ASSISTANCE GRANT PROGRAM

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the GTA Multi-Modal Center Project Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the GTA Multi-Modal Center Project Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
566-4511-01.6059	Other Capital Improvements	<u>\$1,200,000</u>
TOTAL		\$1,200,000

And, that this increase be financed by increasing the following GTA Multi-Modal Center Project Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
566-4511-01.7100	Federal Grant	\$ 960,000
566-4511-01.7110	State Grant	\$ 120,000
566-4511-01.9564	Transfer from Transit Fund	\$ 11,823
566-4511-01.9442	Transfer from Pub Transport.	
	Bond Fund - Ser 03	<u>\$ 108,177</u>
TOTAL		\$1,200,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence Gatten

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The Mayor introduced an ordinance amending in the amount of \$700,000 Coliseum operating budget for Fiscal Year 05-06.

Following brief explanation by the City Manager, Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells. Noes: None.

06-100 ORDINANCE AMENDING COLISEUM OPERATING BUDGET FOR FISCAL YEAR 05-06

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Coliseum Operating Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the Coliseum expenses be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
521-7531-06.5419	Other Services	\$700,000
Total		\$700,000

and, that this increase be financed by increasing the following Coliseum revenue accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
521-7535-08.7580	Parking Revenues	\$225,000
521-7535-08.7741	Merchandise Revenues	\$50,000
521-7535-08.7803	Rent – Other	\$200,000
521-7510-02.7746	Concessions Revenue	\$75,000
521-7531-01.7730	Admissions & Charges	\$150,000
Total		\$700,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Florence Gatten

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Mayor Holliday introduced an ordinance amending in the amount of \$634,356 the Greensboro Transit Authority Budget for FY 2005-2006.

After Councilmember Gatten stated an additional amendment would be presented at the next Council meeting, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Anderson Groat, Holliday, Johnson, Phillips, and Wells.

06-101 ORDINANCE AMENDING THE GREENSBORO TRANSIT AUTHORITY BUDGET FOR FY 2005-2006

Section 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO

That the Greensboro Transit Authority Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Greensboro Transit Authority Fund Budget be increased as follows:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
564-4531-01.5245	Diesel Fuel	\$100,000.00
564-4531-02.5245	Diesel Fuel	\$ 50,000.00
564-4531-03.5245	Diesel Fuel	\$ 43,694.00
564-4531-03.5423	Contracted Transportation	<u>\$440,662.00</u>
		\$634,356.00
Total		

And, that this increase be financed by increasing the following Greensboro Transit Authority Fund Accounts:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
564-4531-01.7100	Federal Grant	\$462,312.00
564-4531-01.7110	State Grant	\$172,044.00
Total		\$634,356.00

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Yvonne Johnson

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The Mayor invited additional speakers from the floor to address Council.

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Mary Lou Zimmerman, Chair of the GTA Board, residing at 2304, thanked Councilmembers Carmany and Gatten for their work on the GTA Task Force and commended the Task Force's proposed budget plan. She thanked GTA and Transportation Department staff for providing the information required to make decisions.

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Councilmember Carmany added the name of Jennifer R. Taylor to the boards and commissions data bank for consideration for future service.

Councilmember Carmany added the name of Phyllis Carter to the boards and commissions databank for consideration for future service on the Rental Unit Certificate of Occupancy Board.

Councilmember Carmany added the name of Jim Burgess to the boards and commissions data bank for consideration for future service on the Minimum Housing Standards Commission.

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Councilmember Gatten offered brief remarks with respect to the ordinance amending Chapter 2, adopted by Council earlier in the meeting. She noted that the library Board of Trustees had been expanded under the leadership of Councilmember Wells to include Guilford County representation and spoke to the value of cooperative intergovernmental relationships.

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Councilmember Johnson requested Council to support the inclusion of Greensboro in the “Dear Sudan” Campaign. She stated the campaign would enable citizens to support to citizens of Darfur, Sudan, where genocide was a severe problem, through a local non-profit agency. Councilmember Johnson moved that she would provide information to the legal department for a resolution if Council supported the idea of Greensboro being one of the “Dear Sudan” cities as are many other cities. The motion was seconded by Councilmember Wells and unanimously adopted by voice vote of Council.

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Council spoke to recent and future community events of interest.

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Mayor Holliday stated that clarification was needed with respect to ownership of an alley located at the 300 block of Elm Street and Greene Street. Council agreed to ask staff to report back on this request.

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Council and the Manager discussed potential budget work sessions and strategies. Councilmember Gatten moved that Council meet for budget work sessions on June 5th and June 8th at 4:00 pm in the Plaza Level Conference Room. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council. Councilmember Johnson requested information with respect to the pros and cons of impact fees in lieu of raising taxes.

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The City Manager requested a motion from Council to adjourn to Closed Session to discuss legal claims and personnel issues. Councilmember Johnson moved that Council adjourn to Closed Session to discuss legal claims and personnel issues. The motion was seconded by Councilmember Carmany; and unanimously adopted by voice vote of Council.

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The City Council adjourned to Closed Session at 9:30 p.m.

Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor
